

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Gregory D. Benjamin, # 234091,)	C.A. No. 9:06-1154-TLW-GCK
)	
Petitioner,)	
)	
vs.)	ORDER
)	
State of South Carolina, Attorney General)	
of the state of South Carolina; and)	
Warden of Lee Correctional Institution,)	
)	
Respondents.)	
)	

The *pro se* petitioner, an inmate at the South Carolina Department of Corrections, seeks *habeas corpus* relief under Title 28, United States Code, Section 2254. (Doc. # 1). The respondents filed a return and motion for summary judgment on June 8, 2007. (Doc. # 28 & 29). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised by Order filed June 11, 2007 that he had thirty-four (34) days to file any material in opposition to the motion for summary judgement. (Doc. # 30). Petitioner filed a response and a motion for summary judgment on August 15, 2007. (Docs. # 39 & # 42).

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate George C. Kosko, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Kosko recommends that respondent’s motion for summary judgment be granted, and that petitioner’s motion for summary judgment be denied. The Report was filed on September 20, 2007. No objections have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 43), respondents' motion for summary judgment is **GRANTED** (Doc. # 29) and petitioner's motion for summary judgment is **DENIED** (Doc. # 39).

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

November 28, 2007
Florence, South Carolina